

ESTTA Tracking number: **ESTTA693518**

Filing date: **09/03/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Rhino International LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	11 Martine Avenue 8th Floor White Plains, NY 10606 UNITED STATES		

Attorney information	STEPHEN L BAKER Baker and Rannells PA 575 Route 28 Raritan, NJ 08869 UNITED STATES officeactions@br-tmlaw.com, K.Hnasko@br-tmlaw.com ,n.friedman@br-tmlaw.com, r.mcgonigle@br-tmlaw.com Phone:9087225640
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Registrations Subject to Cancellation

Registration No	3889569	Registration date	12/14/2010
Registrant	CHURCH & DWIGHT CO., INC. 500 Charles Ewing Boulevard Ewing, NJ 08628 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2010/03/02 First Use In Commerce: 2010/03/02
All goods and services in the class are cancelled, namely: Dietary and nutritional supplements

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	3873284	Registration date	11/09/2010
Registrant	CHURCH & DWIGHT CO., INC. 500 Charles Ewing Boulevard Ewing, NJ 08628 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 1998/06/12 First Use In Commerce: 1998/06/12
All goods and services in the class are cancelled, namely: Dietary and nutritional supplements

Grounds for Cancellation

Abandonment	Trademark Act section 14		
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Attachments	doc04257120150903114145.pdf(135660 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Stephen L. Baker/
Name	STEPHEN L BAKER
Date	09/03/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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RHINO INTERNATIONAL LLC

Cancellation No.:

Petitioner

Mark: RHINO

Reg. No.: 3889569

v.

Issued: September 4, 1990

and

CHURCH & DWIGHT CO., INC.

Reg. No.: 3873284

Issued: February 24, 1998

Registrant

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PETITION FOR CANCELLATION
PURSUANT TO 15 U.S.C. SECTION 1064(a)

In the matter of trademark Reg. Nos. 3889569 and 3873284 for RHINO for dietary and nutritional supplements ("Registrant's Goods") in Int. Class 005, registered to CHURCH & DWIGHT CO., INC. ("Registrant"), Rhino International LLC, ("Petitioner") a limited liability company organized and existing under the laws of Delaware, located and doing business at 8th Floor, 11 Martine Avenue, White Plains, NY 10606, believes that it will be damaged by the continued registration of RHINO as Registrant's mark and hereby petitions to cancel said registration pursuant to 15 U.S.C. §1064 (Trademark Act of 1946, §14).

As grounds of cancellation, it is alleged that:

1. On November 26, 2014, Petitioner filed intent to use applications to register RUKKIN RHINO and RUCKIN RHINO in Int. Class 5 for Food supplements; Nutritional supplement energy bars; Nutritional supplement meal replacement bars for boosting energy; Vitamin supplements ("Petitioner's Goods") which applications were assigned Ser. Nos. 86466196 and 86466188, respectively. On November 29, 2014, Petitioner filed an intent to use application to register RHINO POWA in class 5 for Petitioner's Goods.

2. The USPTO citing Reg. Nos. 3889569 and 3873284 as 2(d) obstructions, rejected the applications identified in the foregoing paragraph.

3. Upon information and belief, Registrant discontinued use of the mark RHINO and has no intention to resume such use.

4. The Registrant's defendant's mark has become abandoned due to nonuse with intent not to resume use pursuant to 15 USC §1064(c)

5. The continued existence of Reg. Nos. 3889569 and 3873284 creates a serious cloud on Petitioner's right to use RHINO, alone or in combination, for the goods set forth in its applications.

6. Petitioner believes that it is and will be damaged by the continued registration of the mark to Registrant.

7. Upon information and belief, the Registrant to be served is:

CHURCH & DWIGHT CO., INC.
Law Department
500 Charles Ewing Boulevard
Ewing NEW JERSEY 08628

WHEREFORE, Petitioner prays that Reg. Nos. 3889569 and 3873284 for the mark RHINO be canceled.

Please recognize as attorneys for Petitioner in this proceeding BAKER and RANNELLS PA, maintaining offices at 575 Route 28, Raritan, New Jersey 08869. All correspondence is to be directed to:

Baker and Rannells PA
Attn: Stephen L. Baker
575 Route 28
Raritan, New Jersey 08869

BAKER and RANNELLS PA

Dated: September 3, 2015

A handwritten signature in black ink, appearing to be 'SLB', written over a horizontal line.

Stephen L. Baker
Attorney for Petitioner
575 Route 28
Raritan, New Jersey 08869
Tel. 908-722-5640
Fax 908-725-7088
Email:officeactions@br-tmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing in was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 3rd day of September, 2015 to the Registrant at the following address:

CHURCH & DWIGHT CO., INC.
Law Department
500 Charles Ewing Boulevard
Ewing NEW JERSEY 08628

By



Stephen L. Baker